

**ARIZONA INDEPENDENT REDISTRICTING COMMISSION**

Monday, December 14, 2015  
5:15 p.m.

**Location**

**4000 North Central Avenue, Suite 1150  
Phoenix, Arizona 85012**

**Attending**

Colleen C. Mathis, Chair (via teleconference)  
Scott Day Freeman, Vice Chair  
Cid R. Kallen, Commissioner (via teleconference)  
Linda C. McNulty, Commissioner (via teleconference)  
Richard P. Stertz, Commissioner (via teleconference)

Ray Bladine, Executive Director  
Kristina Gomez, Deputy Executive Director  
Eric Schenefield, Information Technology Specialist  
Ana Garcia  
Lisa Schmelling

Mary O'Grady, Legal Counsel (via teleconference)  
Kristin Windtberg, Legal Counsel  
Joe Kanefield, Legal Counsel

Reported By:  
Kate E. Roundy, RPR  
Certified Court Reporter, No. 50582  
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Phoenix, Arizona  
December 14, 2015  
5:15 p.m.

P R O C E E D I N G S

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: Good evening, I guess, since it's 5:15. This meeting of the Arizona Independent Redistricting Commission will now come to order.

Today is Monday, December 14, 2015, and the time is 5:15 p.m.

If everyone would please rise, I would like to ask Vice-Chair Freeman to lead us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Great. Thank you.

If we could go ahead with roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Commissioner Kallen.

COMMISSIONER KALLEN: Present.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER MCNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

1 COMMISSIONER STERTZ: Here.

2 CHAIRPERSON MATHIS: We have a quorum.

3 Other participants in today's meeting I  
4 understand include our sitting director, Ray Bladine.

5 RAY BLADINE: Yes.

6 CHAIRPERSON MATHIS: Kristina Gomez, our deputy  
7 executive director.

8 We have legal counsel, participating in the room,  
9 Joe Kanefield and Kristin Windtberg, and then on the phone  
10 Mary O'Grady.

11 And then we also have other staff for the IRC,  
12 Ana Garcia and Lisa Schmelling.

13 Our court reporter today is Kate Roundy.

14 And we have video being taken by  
15 Eric Schenefield.

16 Anybody else? Is there anyone else on the staff  
17 that I missed or on the phone?

18 VICE-CHAIR FREEMAN: Colleen, it's Scott. Nobody  
19 else on the staff.

20 We do have four members of the public here as  
21 well, and if you want to consider that and where we sort  
22 of slot the anticipated executive session.

23 CHAIRPERSON MATHIS: Okay. Great. Thanks.

24 This brings us then to the second item on the  
25 agenda.

1           Looking at the agenda, I guess, you know, if we  
2 wanted to, I don't know if it makes sense for Mr. Bladine  
3 or Ms. Garcia to give their executive director's report,  
4 because we do have a legal briefing as the second item,  
5 which will likely mean the Commission going into executive  
6 session.

7           Mr. Bladine, do you have any thoughts on that?

8           RAY BLADINE: I think it would be nice for the  
9 public to go ahead and take the executive director's  
10 report. Vice-Chair Freeman had suggested that earlier,  
11 too, and it won't take us very long, and Kristina will  
12 present it.

13           CHAIRPERSON MATHIS: Okay. Great.

14           Everyone should have received a number of  
15 attachments that were sent out to the Commissioners, so I  
16 assume you will be going by those.

17           KRISTINA GOMEZ: Yes.

18           CHAIRPERSON MATHIS: Great. Thanks, Kristina.

19           KRISTINA GOMEZ: Sure.

20           Madam Chair, Commission members, first of all, I  
21 would like to go through the budget.

22           This is the spreadsheet that's titled Fiscal Year  
23 2016. And this is the monthly expenditure report that is  
24 forwarded to the Commission each month.

25           So in November, you can see we spent a total of

1 \$167,098.

2           Two items in December, the item for \$9 and for  
3 \$70, those were accidentally taken from the wrong fiscal  
4 year. Those were two FY '15 bills that came in at the  
5 very last minute. So the State Board's Office went ahead  
6 and they made those adjustments. So you will see next  
7 month that those two bills will be taken out of FY '15.

8           And also, too, you will also notice in June,  
9 under Professional and Outside Services, the remaining  
10 balance there is \$1.6 million. That's just the projection  
11 that's left over from the combined FY '16 appropriation  
12 and the supplemental as well.

13           And the second spreadsheet, it just shows the  
14 adjustments for FY '15. So once again, those are bills  
15 that came in at the very last minute from fiscal year '15.

16           Next, our office staff, we still have Ana Garcia  
17 and Lisa Schmelling still with the office.

18           The big news with our office is we are finally in  
19 our new office space. So it looks pretty nice. There's  
20 no more rats, no more mice, no more mold, so we are happy  
21 about that. And so far so good. We are still trying to  
22 unpack some boxes, but we are doing well here.

23           The next item is technology. Buck has taken  
24 another job in the private sector, so he won't be able to  
25 join us as often. So Eric was nice enough to help us out

1 with this meeting. But Buck will still help with website,  
2 website postings, and any other technology issues with our  
3 agency.

4 And finally, the 2001 and 2010 records are back  
5 with Library and Archives. So they were happy to have  
6 their records back, and we were happy to give them back.

7 And the current files for this Commission, they  
8 are all boxed up, and they are in Ray's office right now.

9 RAY BLADINE: No, they are in Kristina's office.

10 KRISTINA GOMEZ: But they are with us, so...

11 Any questions?

12 CHAIRPERSON MATHIS: Thank you, Ms. Garcia.

13 I just want to give a shout out to the Evans  
14 House and thank it for its service. I understand the  
15 State Historic Preservation Office is now taking over, but  
16 I am still a big fan of that place, and I'm glad that it  
17 served us well, rodents included.

18 Did anyone have any questions for Kristina?

19 (No oral response.)

20 CHAIRPERSON MATHIS: Okay. I'm not hearing any.  
21 Anything from Mr. Bladine?

22 RAY BLADINE: I might just comment briefly.

23 I think Kristina covered the budget in great  
24 detail, but, as you know, all of our legal expenses are  
25 starting to come in again. Kristina and I have reviewed

1 where we are. We believe that we will be fine this year.  
2 We have enough appropriation with the supplemental and  
3 this year's appropriation.

4           It's hard to know what will happen in the next  
5 fiscal year. It depends on timing, if Harris ends up  
6 being still a case, and how fast things are proceeding in  
7 Leach. But I think that sometime probably in February we  
8 could see whether the -- normally we would get about  
9 1.1 million a year. And it may be sufficient or it may  
10 not, but clearly right now we are fine. So I would just  
11 add that.

12           CHAIRPERSON MATHIS: Okay. Thank you.

13           Any questions for Mr. Bladine or on this agenda  
14 item before we move on?

15           (No oral response.)

16           CHAIRPERSON MATHIS: Okay. Hearing none, thank  
17 you very much, Ms. Garcia and Mr. Bladine, for all your  
18 work and for getting us moved into the new space. We  
19 appreciate it.

20           KRISTINA GOMEZ: Thank you.

21           CHAIRPERSON MATHIS: Okay. So we will go back --  
22 oh, I guess we could do public comment now too.

23           VICE-CHAIR FREEMAN: Madam Chair, it's  
24 Scott Freeman.

25           I just sort of whispered to everyone who was here

1 and asked them whether they were going to have any  
2 comment, and I think everyone said no. So there you have  
3 it.

4 CHAIRPERSON MATHIS: Okay. Thank you for doing  
5 that.

6 Then we will go ahead and go back to agenda  
7 item 2, which is legal briefing, discussion and possible  
8 action relating to pending litigation in Leach versus  
9 Arizona Independent Redistricting Commission, including  
10 authorization of the expenditures pursuant to  
11 A.R.S. 38-431.07(B). The commission may vote to go into  
12 executive session, which will not be open to the public,  
13 for the purpose of obtaining legal advice and providing  
14 direction to counsel.

15 And with that, I apologize to the public in  
16 advance, but we will be likely doing this. But we will  
17 first see, I guess, if the Commission votes to do so. But  
18 I'm not sure how long we will be in. We have an estimated  
19 time of 30 minutes, and so people are welcome to stay in  
20 the vicinity if they would like to.

21 But can I first get a motion to go into executive  
22 session?

23 COMMISSION MCNULTY: I move we go into executive  
24 session for the purposes of this agenda item.

25 COMMISSIONER KALLEN: And I second.

1           CHAIRPERSON MATHIS:   Okay.  Thank you.  The  
2 motion has been seconded.

3           Any discussion?

4           VICE-CHAIR FREEMAN:  Madam Chair, it's  
5 Scott Freeman.

6           CHAIRPERSON MATHIS:  Go ahead, Mr. Freeman.

7           VICE-CHAIR FREEMAN:  The only thing I would ask  
8 is whether there would be anything -- any update that  
9 could be provided that would pertain to this agenda item  
10 that would not be covered by executive session before we  
11 go into executive session.

12          CHAIRPERSON MATHIS:  That's a good question.

13          Mary or Joe or Kristin, is there anything you  
14 would like to say there?

15          JOSEPH KANEFIELD:  Madam Chair, this is  
16 Joe Kanefield.

17          CHAIRPERSON MATHIS:  Go ahead, Joe.

18          JOSEPH KANEFIELD:  Can everybody hear me okay?

19          CHAIRPERSON MATHIS:  Yes.

20          JOSEPH KANEFIELD:  So we can just give a very  
21 quick update on the Leach case and where we are at.

22          You might recall that this case was stayed during  
23 the duration of the U.S. Supreme Court proceedings in the  
24 Arizona Legislature case.  When that case was decided in  
25 favor of the Commission, the stay was lifted and the case

1 resumed.

2 So at this point we are actively in the middle of  
3 discovery, and that is where we are, unless there are any  
4 questions.

5 CHAIRPERSON MATHIS: Questions for Mr. Kanefield?

6 KRISTINE WINDTBERG: Madam Chair, this is  
7 Kristin Windtberg.

8 Before you do that, just for purposes of our  
9 record, if everyone on the phone could say their names  
10 before they start speaking, I think we are just having a  
11 little bit of trouble hearing making sure that the record  
12 is clear.

13 CHAIRPERSON MATHIS: Great. Will do.

14 KRISTIN WINDTBERG: Thank you.

15 CHAIRMAN MCNULTY: For the record, I made the  
16 motion -- this is Linda McNulty. I made the motion to go  
17 into executive session.

18 COMMISSIONER KALLEN: And for the record,  
19 Commissioner Kallen, and I seconded the motion to go into  
20 executive session.

21 CHAIRPERSON MATHIS: Any other discussion on this  
22 motion?

23 (No oral response.)

24 CHAIRPERSON MATHIS: All in favor?

25 COMMISSIONER MCNULTY: Aye.

1 COMMISSIONER KALLEN: Aye.

2 VICE-CHAIR FREEMAN: Aye.

3 CHAIRPERSON MATHIS: Aye.

4 COMMISSIONER STERTZ: Aye.

5 CHAIRPERSON MATHIS: Okay. Any opposed? I think  
6 I heard five ayes.

7 (No oral response.)

8 CHAIRPERSON MATHIS: Okay. Not hearing any, with  
9 that, we will exit out of the public session.

10 The time is 5:28 p.m.

11 And I'm not sure what the arrangements are there,  
12 Mr. Bladine, if you want to let me know when the public  
13 has cleared.

14 RAY BLADINE: Certainly.

15 (Whereupon, the public session recessed.)

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3 (Whereupon, the public session resumes.)

4 CHAIRPERSON MATHIS: We will enter back into

5 public session now. The time is 5:57 p.m.

6 Do we have any members of the public that stayed

7 with us? Just curious.

8 VICE-CHAIR FREEMAN: We have two.

9 CHAIRPERSON MATHIS: Oh, great. I'm glad.

10 Are there any motions that any commissioners

11 would like to propose coming out of executive session?

12 COMMISSIONER KALLEN: Yes, Madam Chair. This is

13 Commissioner Kallen.

14 At this time I would like to move to authorize

15 the expenditure to defend the claim of violation of the

16 Statutory Open Meeting Law as raised in Leach v. IRC.

17 CHAIRPERSON MATHIS: Is there a second?

18 COMMISSIONER MCNULTY: I would second it.

19 Can I make just a clarification?

20 CHAIRPERSON MATHIS: Sure.

21 COMMISSIONER MCNULTY: That we authorize defense

22 of the Commission and its -- any of its officers or any of

23 its members.

24 COMMISSIONER KALLEN: I would amend my motion to

25 reflect that we were asking that it would be as a -- the

1 Commission as a body and the officer -- its officers, the  
2 Commissioners as individuals as well.

3 CHAIRPERSON MATHIS: Okay. Thank you for that  
4 amended motion.

5 VICE-CHAIR FREEMAN: And, Madam Chair,  
6 Scott Freeman, just a point of clarification.

7 Its officers or its member, its commissioners,  
8 that is all inclusive. That would include all five  
9 commissioners; correct?

10 CHAIRPERSON MATHIS: That's my understanding.

11 Legal counsel, or I guess we can ask the people  
12 who made the motion.

13 COMMISSIONER KALLEN: Yes, Madam Chair. This is  
14 Commissioner Kallen.

15 And, yes, it is intended that it would include  
16 all five commissioners.

17 CHAIRPERSON MATHIS: Any discussion?

18 JOSEPH KANEFIELD: Madam Chair, this is  
19 Joe Kanefield.

20 I just want to clarify that this motion, as I  
21 understand it, is being made in accordance with the  
22 requirement in the Open Meeting Law, specifically A.R.S.  
23 38-431.07(B).

24 CHAIRPERSON MATHIS: Okay. Is that accurate,  
25 Mr. Kallen?

1 COMMISSIONER KALLEN: Yes, it is.

2 CHAIRPERSON MATHIS: Okay. Any other discussion?

3 (No oral response.)

4 CHAIRPERSON MATHIS: All in favor?

5 COMMISSIONER MCNULTY: Aye.

6 COMMISSIONER KALLEN: Aye.

7 CHAIRPERSON MATHIS: Aye.

8 VICE-CHAIR FREEMAN: Aye.

9 COMMISSIONER STERTZ: Aye.

10 CHAIRPERSON MATHIS: Any opposed?

11 (No oral response.)

12 CHAIRPERSON MATHIS: Okay. The motion carries  
13 unanimately.

14 Are there any other motions coming out of  
15 executive session that anyone wants to propose?

16 COMMISSIONER MCNULTY: This is Linda.

17 I would move that we authorize counsel to proceed  
18 with the motions that they specifically described to us in  
19 executive session in accordance with their  
20 recommendations.

21 CHAIRPERSON MATHIS: Is there a second?

22 COMMISSIONER KALLEN: Madam Chair, this is  
23 Commissioner Kallen. I would second that motion.

24 CHAIRPERSON MATHIS: Any discussion?

25 (No oral response.)

1 CHAIRPERSON MATHIS: Well, hearing none, I guess  
2 we will take a vote.

3 All in favor?

4 COMMISSIONER MCNULTY: Aye.

5 COMMISSIONER KALLEN: Aye.

6 CHAIRPERSON MATHIS: Aye.

7 COMMISSIONER STERTZ: Aye.

8 CHAIRPERSON MATHIS: Any opposed?

9 VICE-CHAIR FREEMAN: Nay.

10 CHAIRPERSON MATHIS: Okay. So it sounds like we  
11 have four ayes and one opposed by Vice-Chair Freeman.

12 Are there any other motions coming out of  
13 executive session that anyone wants to propose?

14 (No oral response.)

15 CHAIRPERSON MATHIS: Okay. Well, hearing none, I  
16 believe that takes us to the end of the agenda.

17 Is anyone waving their arms or anything?

18 VICE-CHAIR FREEMAN: I think we are good.

19 CHAIRPERSON MATHIS: Wow. This is great.

20 Okay. Well, I hope everyone has a great holiday  
21 season. And thanks for being here tonight.

22 And thank you, Kate, for being willing to stick  
23 with us through this, and for all the staff's work tonight  
24 and throughout the year. We really appreciate it.

25 With that, I will declare this meeting adjourned

1 at 6:02 p.m.

2 (The hearing adjourned at 6:02 p.m.)

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1 STATE OF ARIZONA )  
 ) s.s.  
2 COUNTY OF MARICOPA )

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5 BE IT KNOWN that the foregoing proceeding was  
6 taken before me, Kate E. Roundy, a Certified Court  
7 Reporter, CCR No. 50582, State of Arizona; that the  
8 foregoing 17 pages constitute a true and accurate  
9 transcript of all proceedings had upon the taking of said  
10 executive session, all done to the best of my skill and  
11 ability.

12 DATED at Phoenix, Arizona, this 21st day of  
13 December, 2015.

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19 \_\_\_\_\_  
Kate E. Roundy, RPR  
20 Certified Reporter  
Certificate No. 50582

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